Minutes of the THIRD meeting of the Development Services Committee for 2014, held in the Committee Meeting Room, Council Building, Oshawa Civic Administration Complex at 1:30 p.m. and minutes of a Planning Act Public Meeting and a Non-Statutory Public Meeting held in the Council Chamber on Monday, February 24, 2014 at 6:30 p.m. and 7:24 p.m. respectively.

Present:  Councillor Aker, Chair
Councillor Chapman, Member
Councillor Marimpietri, Member
Councillor Sanders, Member (entered at 1:31 p.m.)
Mayor Henry, Ex Officio

Also Present:  Councillor Neal (left at 1:40 p.m. and re-entered at 6:30 p.m.)
M. Pringle, Committee Co-ordinator
T. Hodgins, Commissioner, Development Services
G. Carroll, Director, Engineering Services
P. Ralph, Director, Planning Services
E. Rodgers, Director, Special Development Initiatives
J. Shestowsky, Manager, Administration and Accessibility Services
S. Ashton, Manager, Development and Urban Design
C. Goodchild, Manager, Policy
M. Leonard, Chief Building Official
K. Gravelle, Lawyer

Absent:  Councillor Pidwerbecki, Vice-Chair

PUBLIC AGENDA

DECLARATIONS OF PECUNIARY INTEREST

None.

PRESENTATION

DS-14-44  Presentation by Mike Leonard, Chief Building Official Regarding the Highlights of the New Ontario Building Code

Mike Leonard, Chief Building Official presented the highlights of the new Ontario Building Code, noting there are approximately 23,000 changes that have been implemented into the Code which came into effect on January 1, 2014. Mike Leonard further noted that all building inspectors had to re-qualify, by writing exams, in each area of the Code.

The Committee questioned the Chief Building Official.

Council Neal left the meeting.

DELEGATIONS

None.
DELEGATION REQUESTS (requires 2/3 vote)
None.

CORRESPONDENCE REQUESTS

DS-14-31  Marianne Ortepi – Request for the City of Oshawa to Designate Two Former Windfield Farm Buildings Under the Ontario Heritage Act

Moved by Councillor Chapman,
“That Correspondence DS-14-31 dated February 6, 2014 from Marianne Ortepi requesting the City of Oshawa designate two former Windfield Farm buildings under the Ontario Heritage Act, be referred to staff for a report after consultation with Heritage Oshawa and the property owners.” CARRIED

DS-14-36  Durham District School Board Advising the Harmony Road Public School is Closed and that the Surplus School Site is Being Sold at Fair Market Value and Further Requesting the City of Oshawa Advise by May 6, 2014 if Interested in Acquiring the Property

Moved by Councillor Chapman,
“That Correspondence DS-14-36 dated February 5, 2014 from Edward R. Hodgins, Superintendent of Education/Business & Treasurer of the Board, Durham District School Board advising the Harmony Road Public School is closed and being offered at fair market value and further requesting the City of Oshawa advise the Board by May 6, 2014 if interested in acquiring the property, be referred to staff for a report and recommendation.” CARRIED

DS-14-38  Oshawa Central Business District Improvement Area Board of Management – Requesting the BIA Boundary be Expanded and that By-law 79-91 Regarding the Board’s Annual Budget be Amended to Reflect Current Economic Times

Moved by Councillor Chapman,
“That Correspondence DS-14-38 dated October 21, 2013 from Angela Mittoni, Office Administrator, Oshawa Central Business District Improvement Area Board of Management (BIA) requesting the BIA boundary be expanded and that By-law 79-91 regarding the Board’s annual budget be amended to reflect current economic times, be referred to staff for a report.” CARRIED

REFERRALS FROM CITY COUNCIL
None.

ADVISORY COMMITTEE REPORTS
None.

ADDITIONAL AGENDA-RELATED ITEMS (requires 2/3 vote to add)
None.
PUBLIC CONSENT AGENDA

Moved by Councillor Chapman, “That all items listed under the heading of Public Consent Agenda for the February 24, 2014 Development Services Committee meeting be adopted as recommended except Report DS-14-30.” CARRIED

CORRESPONDENCE


Recommendation (CARRIED – See Page 3)

That the Development Services Committee recommend to City Council:

That Correspondence DS-14-33 dated February 3, 2014 from the Ontario Municipal Board, being a decision regarding appeals against Official Plan Amendment 157 and implementing Zoning By-law Numbers 83-2012 and 84-2012, be received for information.

DS-14-35 Municipal Information Network – News Release from Canada Post Regarding the Release of Guiding Principles for Converting Door-to-Door to Community Mailbox Delivery

Recommendation (CARRIED – See Page 3)

That the Development Services Committee recommend to City Council:

That Correspondence DS-14-35 from the Municipal Information Network forwarding a news release from Canada Post regarding the release of guiding principles for converting door-to-door to community mailbox delivery, be received for information.

REPORTS

ADMINISTRATION AND ACCESSIBILITY SERVICES

None.

BUILDING PERMIT AND INSPECTION SERVICES

None.
Correspondence from Chris West

Recommendation (CARRIED – See Page 3)

That the Development Services Committee recommend to City Council:

Whereas the Development Services Committee referred Correspondence DS-13-283 dated November 16, 2013 from Chris West to staff for a report; and,

Whereas staff have contacted the Southwest (Ontario) Economic Alliance to discuss the correspondence and related matters; and,

Whereas the Southwest (Ontario) Economic Alliance and staff have confirmed that the correspondence and related matters are associated with transportation issues specifically in Southwestern Ontario;

Therefore be it resolved that Correspondence DS-13-283 dated November 16, 2013 from Chris West be received for information.

Municipal Signage on the Highway 407 East Extension

Recommendation (CARRIED – See Page 6)

That the Development Services Committee recommend to City Council:

That pursuant to Report DS-14-30 dated February 19, 2014:

1. The Ministry of Transportation of Ontario (MTO) be advised that:

   a) The City of Oshawa requests enhanced municipal boundary signage (Option 3) which will include the name ‘Oshawa’, the City’s population, the City’s logo and a welcoming message;

   b) The City of Oshawa agrees to pay all costs associated with the manufacturing, installation and maintenance of the enhanced municipal boundary signage; and,

   c) The City requests that MTO advise the City (Gary Carroll, Director of Engineering Services) of the process and timelines associated with the City identifying the layout, logo and welcoming message on the enhanced municipal boundary signage; and,

2. That the City Treasurer be directed to include the cost of the enhanced signage in future corporate budgets; and,
3. That staff report back at the appropriate time on the layout of the signage including logo and welcoming message.

ENVIRONMENTAL SERVICES

None.

PLANNING SERVICES

DS-14-18  Updated Cash-in-Lieu of Parkland Dedication Fees

Recommendation (CARRIED – See Page 3)

That the Development Services Committee recommend to City Council:

That pursuant to Report DS-14-18 dated February 19, 2014, the residential fees and non-residential land values for calculating cash-in-lieu of parkland dedication be updated in accordance with Attachment 3 to said Report, and come into effect on May 1, 2014 for building permit applications that are not deemed complete by the Chief Building Official by that time.

DS-14-37  Application for Removal of “h-58” Holding Symbol – 1658 Ritson Road North, Mahogany Management (File: Z-2010-07-H)

Recommendation (CARRIED – See Page 3)

Whereas on April 27, 2009 Council passed By-law 29-2009 which delegated the approval of applications to remove “h” holding symbols to the Development Services Committee subject to the conditions for lifting the holding symbol being fulfilled to the satisfaction of the Commissioner of Development Services and the necessary by-law being presented to Council for approval; and,

Whereas the owner of 1658 Ritson Road North intends to develop a rental apartment building on the site under the Canada/Ontario Affordable Housing Program; and,

Whereas the site is zoned R6-C(5) “h-58” (Residential) which permits an apartment building; and,

Whereas the “h-58” holding symbol is in place to ensure that site plan approval is obtained from the City which addresses the following matters:

- Landscaping, fencing and lighting;
- A traffic impact study is completed to the satisfaction of the Region of Durham;
- A noise study is completed to the satisfaction of the Region of Durham and the City;
- An archeological assessment is completed to the satisfaction of the Ministry of Tourism, Culture and Sport;

- Stormwater management matters are addressed to the satisfaction of the City, the Region of Durham and the Central Lake Ontario Conservation Authority;

- Slope stability matters are addressed to the satisfaction of the City and Central Lake Ontario Conservation Authority; and,

- An appropriate easement is granted in favour of the City and/or Region of Durham as appropriate over the valley portion of the property for access to the open space lands for any future maintenance works required in the creek valley and recreational trail purposes; and,

Whereas the owner has submitted an application to remove the "h-58" holding symbol to advance conditional building permits for the proposed development; and,

Whereas the owner has submitted all of the necessary plans and reports to the necessary departments and agencies for review and approval; and,

Whereas it is expected that the conditions set out above will be satisfied prior to the issuance of any conditional building permit; and,

Whereas the Commissioner of Development Services is satisfied that the conditions for lifting the holding symbol will be satisfied;

Therefore the application submitted by Mahogany Management to remove the "h-58" holding symbol for 1658 Ritson Road North to facilitate the development of an apartment building be approved and the necessary by-law be passed.

DISCUSSION AGENDA

MATTERS EXCLUDED FROM CONSENT AGENDA

The Committee questioned the Commissioner, Development Services regarding various aspects of Report DS-14-30.

Moved by Councillor Sanders,
“That the recommendations contained in Report DS-14-30, ‘Municipal Signage on the Highway 407 East Extension’, be adopted.” CARRIED
ITEMS TO BE INTRODUCED BY COUNCILLORS

DS-14-43 Request for Demand Study on the Oshawa Waterfront

Councillor Marimpietri questioned when a response to his motion made during the 2014 budget deliberations regarding a demand study for the Oshawa waterfront would be provided.

In response to questions, the Commissioner, Development Services stated that staff are working on a report and anticipate reporting back to the Committee within the next two to three meetings.

CLOSED PORTION OF THE MEETING

None.

RECESS

Moved by Councillor Sanders,
“That the meeting recess.” CARRIED

The meeting recessed at 2:00 p.m. and reconvened at 6:30 p.m. in the Council Chamber for the purpose of hosting a Planning Act Public Meeting and a non-statutory public meeting. Councillors Aker, Chapman, Marimpietri, Sanders and Mayor Henry were in attendance. Also in attendance were Councillor Neal; the Commissioner, Development Services; the Director, Planning Services; the Director, Municipal Law Enforcement and Licensing Services; the Chief Building Official; the Manager, Policy; the Manager, Development and Urban Design; the Manager, Licensing and Support Services; K. Man, Policy Analyst, R. Bedic, Planner ‘B’; M. Harrington, Planner ‘B’; the Chief Fire Prevention Officer and the Committee Co-ordinator.

The Chair outlined the purpose and format of the public meetings.

APPLICATION 1: 185 Hillcroft Street (Planning Act Public Meeting) - 6:30 p.m.

PRESENTATION

Milena Ernjakovic, Select Avenue Developments and Glenn Genge, D.G. Biddle & Associates presented an overview of the applications to amend the Oshawa Official Plan and Zoning By-law 60-94 to permit a 128-unit apartment building at 185 Hillcroft Street.

The Committee questioned Milena Ernjakovic and Glenn Genge.

DELEGATIONS

The Chair asked if any members of the public wanted to address the Committee concerning the applications.
Tara Hatherly addressed the Committee stating she is not opposed to residential development in the area, but rather the high-density apartment building being proposed for the subject site. Tara Hatherly expressed concern regarding the loss of privacy, a future decrease in her property value, and an increase in light and noise pollution which in her opinion, would limit the enjoyment of her backyard as the apartment building will be really close to her property line.

George Lysyk addressed the Committee stating he is part of the development community, and very rarely opposes development but that in his opinion, the proposed development is too high and would be considered “over-development” for the area. George Lysyk also expressed concern the applicant is looking for a site-specific zoning amendment which does not promote consistency across the entire City and concern about the size of the proposed units (only 700 sq. ft.). The delegate further questioned if a shadow study had been completed and suggested the proposal be reduced to three storey’s, be flipped the other way and that the applicant be encouraged to provide bigger units.

Yolanda Van Grootel addressed the Committee questioning if the proposed development is going to be apartments or condos and what the purchase price of the condo would be. Yolanda Van Grootel further questioned what will happen if the units do not sell and suggested that a smaller development be considered.

At the request of the Chair, Glenn Genge responded to the delegate’s questions.

John Hartford addressed the Committee asking if he could see the traffic study, noting he finds it hard to believe there will be no meaningful impact to the traffic in the area. John Hartford stated when he purchased his property there was no mention of a possible six-storey building being constructed and stating that in his opinion, the proposed development should be a maximum of three-storey’s as the surrounding area and park is used by families.

At the request of the Chair, the Commissioner, Development Services responded to the delegate’s questions.

Anthony Maiorano addressed the Committee stating he agrees with the former speaker, George Lysyk that the proposed building is way too big for the area, noting that condos have ruined other areas in Oshawa. Anthony Maiorano stated that in his opinion, the proposed development should be a low-rise building for older adults.

Paul Lysyk stated that in his opinion, there is confusion between what is considered an apartment and what is considered a condo.

At the request of the Chair, the Commissioner, Development Services responded to the delegate’s questions.

No further public comments were received.
CORRESPONDENCE

None.

REPORT

DS-14-28 Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, 185 Hillcroft Street, Select Avenue Developments

Moved by Councillor Chapman, “That pursuant to Report DS-14-28 dated February 19, 2014, the applications submitted by Select Avenue Developments to amend the Oshawa Official Plan (File: B-3100-0364) and Zoning By-law 60-94 (File: Z-2013-08) to permit a 128-unit apartment building at 185 Hillcroft Street be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.”

CARRIED

APPLICATION 2: Proposed City-Initiated Amendments to Zoning By-law 60-94 and the Oshawa Official Plan (Non-Statutory Public Meeting) – 7:24 p.m.

PRESENTATION

Meaghan Harrington, Planner ‘B’ presented an overview of the proposed City-initiated amendments to Zoning By-law 60-94 and the Oshawa Official Plan relating to accessory apartments.

The Committee questioned the Commissioner, Development Services; the Director, Municipal Law Enforcement Services; the Chief Building Official and M. Harrington, Planner ‘B’ concerning various aspects of the presentation.

DELEGATIONS

The Chair asked if any members of the public wanted to address the Committee concerning the applications.

Michael Dominguez addressed the Committee stating that as an owner of three legal two-unit dwellings as well as other properties in Oshawa, he is excited about the proposed changes to Zoning By-law 60-94 and the Oshawa Official Plan with respect to accessory apartments. Michael Dominguez stated there is a tremendous need for affordable housing that is safe, noting properties with legal two-unit dwellings usually result in increased property value and higher listing prices. The delegate suggested that the proposed amendments be revised for the downtown core to require a 9 metre frontage rather than 11 metre frontage as many of the older streets in downtown Oshawa have smaller frontages. The delegate further noted he hopes the proposed changes will encourage owners with current in-law suites to legalize their accessory apartments.

The Committee questioned Michael Dominguez.
Greg Dowd addressed the Committee, stating that as a homeowner in Oshawa he is excited about the proposed changes to Zoning By-law 60-94 and the Oshawa Official Plan with respect to accessory apartments and questioned the process for currently applying for a legal two-unit dwelling in a R1-C zone, what the timeline for the implementation of the proposed changes was, and how to apply to rezone a property if the proposed changes do not proceed.

At the request of the Chair, the Director, Planning Services and M. Harrington, Planner ‘B’ responded to the delegate’s questions.

Anthony Maiorano addressed the Committee stating he is a local contractor, and that he supports the idea of accessory apartments. Anthony Maiorano stated he would like to see a process whereby consent is obtained from the majority of neighbours to ensure there are no future problems. The delegate recommended that owners wishing to construct an accessory apartment have a sign placed in their yards to notify surrounding neighbours of their intent to build, to allow a chance for neighbours to voice their concerns.

Anita DeVries, Durham Region Home Builders’ Association addressed the Committee stating the Association is happy with the proposed changes to Zoning By-law 60-94 and the Oshawa Official Plan with respect to accessory apartments but expressed concern that auxiliary buildings are being excluded, noting the concept of secondary suites is supported by Bill 140 and meets the mandate of intensification. Anita DeVries stated that in her opinion, accessory apartments should be broadly accepted as of right, including in auxiliary buildings that meet all the necessary criteria.

The Committee questioned Anita DeVries.

George Lysyk addressed the Committee regarding the proposed changes to Zoning By-law 60-94 and the Oshawa Official Plan with respect to accessory apartments, and expressed concern that the exclusion of auxiliary buildings is discriminatory and should be reconsidered. George Lysyk stated that in his opinion, accessory apartments should be permitted in auxiliary buildings as long as they meet the criteria as they would be subject to the same permitting and inspection process. George Lysyk also expressed concern with the proposed parking requirements, stating that in his opinion, a third parking spot should not be required as many people on low incomes do not own cars so it does not make sense to require an extra parking spot. The delegate further expressed concern regarding the high cost of development charges and the amount of red tape imposed by the City with respect to development in Oshawa.

At the request of the Chair, the Commissioner, Development Services and the Chief Fire Prevention Officer responded to the delegate’s questions.

No further public comments were received.
CORRESPONDENCE

Moved by Councillor Chapman,
“That Correspondence DS-14-41 dated February 21, 2014 from Gwen Harvey submitting comments regarding the City-initiated proposal to amend the Oshawa Official Plan and Zoning By-law 60-94 related to accessory apartments be added to the agenda.”
CARRIED ON 2/3 VOTE OF MEMBERS PRESENT

DS-14-41  Gwen Harvey Submitting Comments Regarding the City-initiated Proposal to Amend the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments

Moved by Councillor Chapman,
“That the Development Services Committee recommend to City Council:

That Correspondence DS-14-41 dated February 21, 2014 from Gwen Harvey submitting comments regarding the City-initiated proposal to amend the Oshawa Official Plan and Zoning By-law 60-94 related to accessory apartments, be received for information.” CARRIED

DS-14-32  Durham Region Home Builders’ Association – Accessory Apartments

Moved by Councillor Chapman,
“That the Development Services Committee recommend to City Council:

That Correspondence DS-14-32 dated February 6, 2014 from Jennifer Hurd, Durham Region Home Builders’ Association (DRHBA) President and Anita DeVries, DRHBA Executive Officer, submitting comments in support of the City of Oshawa encouraging affordable housing and accessory apartments, be received for information.” CARRIED

REPORT

DS-14-29  City-Initiated Proposal to Amend the Oshawa Official Plan and Zoning By-law 60-94 Related to Accessory Apartments

Moved by Councillor Chapman,
“That pursuant to Report DS-14-29 dated February 19, 2014, the proposed City-initiated amendments to the Oshawa Official Plan (File: B-3100-0362) and Zoning By-law 60-94 (File: Z-2013-05) relating to accessory apartments in single detached dwellings and semi-detached dwellings be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation on the proposed amendments to be considered at a future statutory Planning Act public meeting.” CARRIED
ADJOURNMENT

Moved by Councillor Sanders, “That the meeting adjourn.” CARRIED

The meeting adjourned at 8:43 p.m.